

1201079-Court-A-U.S.
 JAMES PRICE
 JAMES S. PRICE & ASSOCIATES
 PO BOX 3006
 WILMINGTON, NC 28406

IN RE
 DANNY WADE STEPHENS
 410 IRONWOOD DRIVE

BOLIVIA, NC 28422
 SSN or Tax I.D. XXX-XX-9246

Chapter 13
 Case Number: 12-01079-8-JRL

SUE BRANON STEPHENS
 410 IRONWOOD DRIVE

BOLIVIA, NC 28422
 SSN or Tax I.D. XXX-XX-2865

U.S. BANKRUPTCY COURT
 1760-A PARKWOOD BLVD
 WILSON, NC 27893

NOTICE OF MOTION FOR CONFIRMATION OF PLAN

ROBERT R. BROWNING, Chapter 13 Trustee has filed papers with the Court to Confirm the Chapter 13 Plan.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the Motion For Confirmation Of Plan, or if you want the court to consider your views on the motion, then on or before 05/04/2012, you or your attorney must file with the court, pursuant to Local Rule 9013-1 and 9014-1, a written response, an answer explaining your position, and a request for hearing at:

U.S. Bankruptcy Court
 Eastern District of North Carolina
 1760-A Parkwood Blvd
 Wilson, NC 27893

If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

You must also mail a copy to debtor(s), debtor(s) attorney and trustee at the following addressses:

Debtor(s):
 DANNY WADE STEPHENS
 410 IRONWOOD DRIVE
 BOLIVIA, NC 28422

 SUE BRANON STEPHENS
 410 IRONWOOD DRIVE
 BOLIVIA, NC 28422

Attorney:
 JAMES PRICE
 JAMES S. PRICE & ASSOCIATES
 PO BOX 3006
 WILMINGTON, NC 28406

Trustee:
 ROBERT R. BROWNING
 P.O. BOX 8248
 GREENVILLE, NC 27835

If a response and a request for hearing is filed in writing on or before the date set above, a hearing will be conducted on the motion at a date, time and place to be later set and all parties will be notified accordingly.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date: April 03, 2012

ROBERT R. BROWNING
 Chapter 13 Trustee
 P.O. BOX 8248
 GREENVILLE, NC 27835

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA**



IN RE:

CASE NUMBER: 12-01079-8-JRL

**DANNY WADE STEPHENS
SUE BRANON STEPHENS**

CHAPTER 13

DEBTOR(S)

**MINUTES OF 341 MEETING AND
MOTION FOR CONFIRMATION OF PLAN**

NOW COMES the Trustee in the above referenced Chapter 13 case moving the Court for an Order confirming the Plan in the case and, in support, of said Motion, says unto the court:

1. That the debtor(s) appeared at the meeting of creditors, as required by 11 U.S.C. § 341 and submitted to an examination under oath by the Trustee on March 14, 2012, or has supplied answers to written interrogatories;
2. The debtor(s) has/have complied with all requirements of 11 U.S.C §521 (a) (1) (B) and Interim Bankruptcy Rules 1007 and 4002 (b), as modified and adopted by this Court, and this case has not been dismissed, nor is it subject to dismissal, under 11 U.S.C. §521 (i);
3. That there are no pending objections to confirmation or other filings or pleadings that would impede the confirmation of the Plan in this case;
4. That the trustee has reviewed the schedules and relative information in the debtor(s) petition and has made a determination of the disposable income for the debtor(s) in this case. The calculation of disposable income impacts on what, if any, dividend will be received by unsecured creditors. The debtor(s) plan provides for payments of:

\$1,511.00	for	60	Months
	for		Months
	for		Months
	for		Months

THE ANALYSIS OF THIS PLAN INDICATES THE GENERAL UNSECURED CREDITORS WILL NOT RECEIVE A DIVIDEND. IF FUNDS ARE AVAILABLE TO THE UNSECURED CLASS THE EXACT AMOUNT TO BE PAID EACH CLAIM CANNOT BE CALCULATED AT THIS TIME;

Debtors With No Projected Disposable Income. If it has been determined that Debtor(s) has/have no projected disposable income and no equity in property pursuant to the liquidation test to be applied for the benefit of general unsecured creditors the obligation of the debtor(s) to make such payments shall cease upon payment to the Trustee of a sum sufficient to pay all allowed arrearage claims on secured debts, or other allowed secured claims (not including those to be paid “outside”

the plan), unsecured priority claims, administrative claims and co-sign protect claims (if any) in full, along with the amount indicated below to be paid on general unsecured claims. IN SUCH EVENT THE GENERAL UNSECURED CLAIMS WILL BE PAID \$0.00 THROUGH THIS PLAN.

5. That the liens of creditors which will not be paid in full during the term of the Plan or which are to be paid directly by the debtor(s) are not affected by the confirmation of this plan;
6. Generally, and subject to orders entered hereafter by the Court, any proof of claim that is not filed on or before June 12, 2012 ("Bar Date") shall be disallowed. Claims of governmental units, proofs of which are not filed before August 8, 2012 ("Government Bar Date") shall be disallowed;
7. That the claims of secured creditors shall be paid as secured to the extent of the claim or to the extent of the value of the collateral as set out below:
 - a. Claims to be paid directly by the Debtor:

<u>Creditor</u>	<u>Collateral</u>	<u>Repayment Rate/Term</u>
NONE		

- b. Continuing Long Term Debts to be paid by the Trustee:

The trustee will disburse regular ongoing monthly payments effective with the month indicated below with the Debtor to resume direct payments upon completion of plan payments. Arrearage through the month indicated will be paid in full over the term of the plan without interest as funds are available unless otherwise indicated. To receive disbursements, a creditor must file a proof of claim documenting a non-preferential perfected lien against the property. The Trustee will disburse the regular monthly payment indicated below unless an allowed filed claim indicates a different payment.

<u>Creditor</u>	<u>Collateral</u>	<u>Repayment Rate/Term</u>
(900 & 901) WELLS FARGO HOME MORTGAGE	MORTGAGE	CONTRACTUAL AND POST PETITION PAYMENTS TO BE MADE BY THE TRUSTEE

- c. Claims paid to extent of claims as filed (no cramdown):

<u>Creditor</u>	<u>Collateral</u>	<u>Repayment Rate/Term</u>
NONE		

- d. Claims paid to extent of value:

<u>Creditor</u>	<u>Collateral</u>	<u>Present Value</u>	<u>Repayment Rate/Term</u>
(902) WELLS FARGO HOME MORTGAGE	MORTGAGE ARREARS	\$12,397.94 SECURED	0% PRO-RATA WITHIN THE LIFE OF

THE PLAN-NO
CLAIM FILED

==

e. Claims to be avoided by the debtor:

<u>Creditor</u>	<u>Collateral</u>	<u>Repayment Rate/Term</u>
(920) JP MORGAN CHASE BANK NA	2 ND MORTGAGE	DIRECT UNTIL VALUATION HEARING

Provided sufficient funds are available, and a proof of claim has been filed and allowed, the secured creditors listed above can expect to receive a minimum monthly payment equal to 1% of the value of their collateral.

8. **LONG TERM RESIDENTIAL MORTGAGE CLAIMS** shall be paid in a manner consistent with that November 5, 2009 Administrative Order Establishing Procedures Governing Post-Petition Conduit Mortgage Payments.

Administrative Arrearage Claim Treatment Under Conduit Order. If the mortgage creditor on a mortgage subject to the “Administrative Order Establishing Procedures Governing Post-Petition Conduit Mortgage Payments Effective January 1, 2010” (hereinafter “Conduit Order”) files a Proof of Claim for post petition arrearages that includes the two month “Administrative Arrearage” as defined in the Conduit Order, the Trustee has used that two month portion of the claimed amount as the Administrative Arrearage. In that event, Trustee has established that two month Administrative Arrearage claim as a separate claim and reduced the amount stated in the mortgage creditors proof of claim accordingly.

9. That the following creditors have filed secured proofs of claims but, due to the value placed on the collateral, the claims will be treated as unsecured and paid along with other unsecured claims. With respect to claims listed below for which the terms of repayment are listed as: “Abandon,” upon entry of an Order confirming the plan, as modified by this Motion, the automatic stay of §362(a) and the automatic co-debtor stay of §1301 shall thereupon be lifted and modified with respect to such property “for cause” under §362(a)(1), as allowed by Local Rule 4001-1(b):

NONE

Reference herein to “Direct” or “Outside” or similar language regarding the payment of a claim under this plan means that the debtor(s) or a third party will make the post-petition payments in accordance with the contractual documents which govern the rights and responsibilities of the parties of the transaction, including any contractual modifications thereof, beginning with the first payment that comes due following the order for relief;

10. That the treatment of claims indicated in paragraphs 7 and 8 above, are based on information known to the Trustee at the time of the filing of this Motion. The treatment of some claims may differ from that indicated if subsequent timely filed claims require different treatment;
11. That the following executory contracts and unexpired leases shall be either assumed or rejected as indicated below:

<u>Creditor</u>	<u>Property Leased/Contracted For</u>	<u>Treatment</u>
NONE		

12. That priority claims shall be paid in full over the term of the Plan;
13. That confirmation of this Plan will be without prejudice to pending Motions For Relief From the Automatic Stay and will be without prejudice to objections to claims and avoidance actions;
14. That confirmation of the Plan vests all property of the estate in the debtor(s);
15. That the attorney for the debtor(s) is requesting fees in the amount of \$3,000.00 . The Trustee recommends to the Court a fee of \$3,000.00 . If the recommended fee is different from that requested an explanation can be found in Exhibit 'A'.

s/ Robert R. Browning
Robert R. Browning
Standing Chapter 13 Trustee

EXHIBIT 'A'**CASE NUMBER: 12-01079-8-JRL****DEBTORS: DANNY WADE STEPHENS
SUE BRANON STEPHENS****EMPLOYMENT:**

Debtor: FOOD LION GROSS INCOME: \$27,885.20

Spouse: SOCIAL SECURITY DISABILITY \$1,428.00

Prior Bankruptcy cases: Yes ☐ No ☒ If so, Chapter filed

Disposition:

Real Property: House and Lot ☒ Mobile home ☐ Lot/Land ☐ Mobile Home/Lot ☐

Description: RESIDENCE

FMV \$101,200.00

Date Purchased

Liens \$218,547.88

Purchase Price

Exemptions

Improvements

Equity \$ 0.00

Insured For

Rent

Tax Value

Description LAND

FMV \$1,840.00

Date Purchased

Liens \$0.00

Purchase Price

Exemptions \$1,840.00

Improvements

Equity \$0.00

Insured For

Rent

Tax Value

COMMENTS:**Attorney** Requested: \$3,000.00 (excluding filing fee)**Fees:** Paid: \$629.00 (excluding filing fee)

Balance: \$2,371.00

Trustee's Recommendation: \$3,000.00

Comments: 0

Plan Information:

<u>Plan Information:</u>		<u>After 341</u>		<u>Payout % After 341</u>	
Total Debts	\$165,743.60	Pay in	\$90,660.00	Priority	100.00%
Priority	\$5,226.90	Less 8.00%	\$7,252.80	Secured	100.00%
Secured	\$78,037.94	Subtotal	\$83,407.20	Unsecured	0.00%
Unsecured	\$82,478.76	Req. Atty. Fee	Incl. w/ claims	Joint	0.00%
Joint Debts	\$0.00	Available	\$83,407.20	Co-Debts	0.00%
Co-Debtor	\$0.00				

Annual Review: Yes ☐ No ☐**Payroll Deduction:** Yes ☐ No ☒**Objection to Confirmation:** Yes ☐ No ☐

Pending: SEE COURT DOCKET

Resolved: SEE COURT DOCKET

Motions Filed: Yes ☐ No ☐

If so, indicate type and status: SEE COURT DOCKET

Hearing Date:

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CERTIFICATE OF MAILING

0016

Case 12-01079-8-SWH Doc 17 Filed 04/03/12 Entered 04/03/12 16:20:03 Page 8 of 9

CASE: 1201079 TRUSTEE: 23 COURT: 278
 TASK: 04-02-2012.00587740.LSA000 DATED: 04/03/2012

Page 1 of 2

Court Served Electronically

Debtor		DANNY WADE STEPHENS	410 IRONWOOD DRIVE BOLIVIA, NC 28422
Joint		SUE BRANON STEPHENS	410 IRONWOOD DRIVE BOLIVIA, NC 28422
799	000002	JAMES PRICE PO BOX 3006	JAMES S. PRICE & ASSOCIATES WILMINGTON, NC 28406
011	000008	INTERNAL REVENUE SERVICE	PO BOX 7317 PHILADELPHIA, PA 19101-7317
011	000026	INTERNAL REVENUE SERVICE	PO BOX 7317 PHILADELPHIA, PA 19101-7317
020	000027	INTERNAL REVENUE SERVICE	PO BOX 7346 PHILADELPHIA, PA 19101-7346
002	000012	FIA CARD SERVICES NA PO BOX 15102	BANK OF AMERICA NA WILMINGTON, DE 19886-5102
018	000010	STOKES COUNTY TAX DEPARTMENT	PO BOX 57 DANBURY, NC 27016
009	000018	ELLIOTT SEMBLE, MD	180 KIMEL PARK DR #250 WINSTON-SALEM, NC 27103-6971
017	000024	STERN & ASSOCIATES	415 N. EDGEWORTH STREET, SUITE 210 GREENSBORO, NC 27401
016	000023	SOLSTAS LAB PARTNERS	4380 FEDERAL DR, STE 100 GREENSBORO, NC 27410-8149
013	000009	NC DEPT OF REVENUE PO BOX 1168	ANGELA C FOUNTAIN BANKRUPTCY RALEIGH, NC 27602-1168
007	000016	CREDIT FINANCIAL SERVICES	3800 GUESS ROAD DURHAM, NC 27705-1506
014	000021	SCA COLLECTIONS	PO BOX 876 GREENVILLE, NC 27835-0000
003	000013	BB&T PO BOX 1847	BANKRUPTCY SECTION 100-50-01-51 WILSON, NC 27894-1847
004	000014	BB&T PO BOX 1847	BANKRUPTCY SECTION 100-50-01-51 WILSON, NC 27894-1847
005	000015	BB&T PO BOX 1847	BANKRUPTCY SECTION 100-50-01-51 WILSON, NC 27894-1847
015	000022	SECURITY COLLECTION AGENCY	PO BOX 910 EDENTON, NC 27932
019	000025	SHAPIRO & INGLE	10130 PERIMETER PARKWAY, SUITE 400 CHARLOTTE, NC 28216
008	000017	DELANEY RADIOLOGISTS PA	PO BOX 63234 CHARLOTTE, NC 28263-3234
022	000029	BRUNSWICK CO REV DEPT PO BOX 29	ATTN: MIKE CULPEPPER BOLIVIA, NC 28422-0029
022	000030	BRUNSWICK CO REV DEPT PO BOX 29	ATTN: MIKE CULPEPPER BOLIVIA, NC 28422-0029
006	000007	BRUNSWICK COUNTY TAX	PO BOX 269 BOLIVIA, NC 28462
021	000028	WELLS FARGO BANK NA	3476 STATEVIEW BLVD FORT MILL, SC 29715

CERTIFICATE OF MAILING

0016

Case 12-01079-8-SWH Doc 17 Filed 04/03/12 Entered 04/03/12 16:20:03 Page 9 of 9

CASE: 1201079 TRUSTEE: 23 COURT: 278
TASK: 04-02-2012.00587740.LSA000 DATED: 04/03/2012

Page 2 of 2

012	000019	JC PENNEY	PO BOX 960090 ORLANDO, FL 32896-0090
010	000020	GEMB/ SUZUKI	PO BOX 965005 ORLANDO, FL 32896-5005
001	000011	ASPEN NATIONAL COLLECTION	18110 POWELL ROAD BROOKSVILLE, FL 34604
920	000003	JP MORGAN CHASE BANK, NA	1111 POLARIS PARKWAY COLUMBUS, OH 43240
900	000004	WELLS FARGO BANK NA	MAC# X2302-04C
	*CM	ONE HOME CAMPUS	DES MOINES, IA 50328
901	000005	WELLS FARGO BANK NA	MAC# X2302-04C
	*CM	ONE HOME CAMPUS	DES MOINES, IA 50328
902	000006	WELLS FARGO BANK NA	MAC# X2302-04C
	*CM	ONE HOME CAMPUS	DES MOINES, IA 50328

32 NOTICES

THE ABOVE REFERENCED NOTICE WAS MAILED TO EACH OF THE ABOVE ON 04/03/2012.
I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.
EXECUTED ON 04/03/2012 BY /S/EPIQ Systems, Inc.

*CM - Indicates notice served via Certified Mail